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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,698	02/04/2002	Harold Syring	B-4491 619503-1	7491

7590 04/21/2003

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[REDACTED] EXAMINER

TOLIN, GERALD P

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/067,698	SYRING ET AL.
	Examiner Gerald P Tolin	Art Unit 2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 08 April 2003.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-13 and 15-21 is/are pending in the application.

4a) Of the above claim(s) 21 is/are withdrawn from consideration.

5) Claim(s) 13 and 15 is/are allowed.

6) Claim(s) 1-3,6,7,9,12,16-20 is/are rejected.

7) Claim(s) 4,5,8,10 and 11 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    5) Notice of Informal Patent Application (PTO-152)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                    6) Other: \_\_\_\_\_

1. Claims 1-13 and 15-21 are currently pending.
2. The 4-8-03 amendment has been entered.
3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-13 and 15-20, drawn to cooled article, classified in class 361, subclass 695.
  - II. Claim 21, drawn to a method of making the article, classified in class 29, subclass 890.03.
4. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case steps such as mounting and rotating are so broad as to be capable of producing a multitude of different articles- both mechanical and electrical.
5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and divergent subject matter, restriction for examination purposes as indicated is proper.
6. Newly submitted claim 21 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: see above paragraphs.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

prosecution on the merits. Accordingly, claim 21 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

7. Claims 1-3,6,7,12 and 16-18 are rejected under 35USC102 for the same reasons given in the first action paragragh 4 (Matteson). New claims 19 and 20 are now included in this rejection. Concerning claims 16 and 19, almost everything is "disengageable" while the claims 16 and 20 "when" clauses are mere contingencies that may or may not happen depending on "when----".

8. Similarly, claim 12 is rejected under 102 for the same reasons in paragragh 5 of the first action (Qiu).

9. Claims 7,9,12 and 16-18 are rejected under 102 for the same reasons in paragragh 6 of the first action (Clements).

10. Claims 13 and 15 are allowed in view of the amendment.

11. Concerning the arguments and the language amendments, the following suggestions in claim 1 would render that claim and those dependent thereon allowable. In line 1, "for" should be deleted. In line 6 after "portion", "in one of two positions" should be inserted. In line 9 after "portion", "in the first chassis position" should be inserted. In lines 11 and 12, "does not engage" should be "engages" and after "chassis", "in the second chassis position" should be inserted. Without these changes, the language still reads on the fan being unmounted in any position and mounted.

Claim 7 is very similar to claim 1 and therefore should be cancelled (along with any of its dependent claims which are the same as those dependent on claim 1).

Claims 13 and 15 are now allowed.

The claim 16 changes are discussed above in paragraph 7.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald P Tolin whose telephone number is 703-308-3114. The examiner can normally be reached on M-F first Friday off.

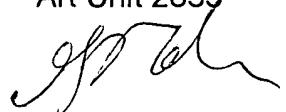
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703-308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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Art Unit: 2835

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Gerald P Tolin  
Primary Examiner  
Art Unit 2835



gpt  
April 18, 2003